

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**HITUL GANDHI, individually and
on behalf of a class of others similarly
situated**

V.

**DELL INC. and
DELL MARKETING USA, L.P.**

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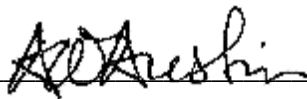
1:08-cv-00248-JRN

ORDER

Before the Court are Plaintiff's Motion and Memorandum for Certification under 29 U.S.C. § 216(b) and Class Action Certification under FED. R. CIV. P. 23, filed January 30, 2009 (Clerk's Doc. No. 59); Defendant's Response to Plaintiff's Motion, filed February 27, 2009 (Clerk's Doc. No. 67); and Plaintiff's Reply in Support of Their Motion, filed March 16, 2009 (Clerk's Doc. No. 69). On April 8, 2009, the District Court referred the motion to the undersigned Magistrate Judge for a report and recommendation pursuant to 28 U.S.C. §636(b) and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Court HEREBY SETS a hearing on the aforesaid motion on **May 29, 2009**, at **10:30 am**.

SIGNED this 21st day of May, 2009.



ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE